IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

Bail Appl..No. 1236 of 2007()

CRIME NO.56/07 OF THRIKKODITHANAM POLICE STATION

: PETITIONERS/ACCUSED

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1. V.B.PREM NAZIR, MANAGER,
GMAC FINANCIAL SERVICES INDIA LTD.,
SEARS TOWER, RAVIPURAM, ERNAKULAM-682 016.

2. B.WILSON, JUNIOR OFFICER,
GMAC FINANCIAL SERVICES INDIA LTD.,
SEARS TOWER, RAVIPURAM, ERNAKULAM-682 016.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING THE S.I. OF POLICE,
THRIKODITHANAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/03/2007, ALONG WITH BA.NO.1256/07 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. Nos.1236 and 1256 B OF 2007

Dated this the 5th day of March, 2007

O R D E R

These are applications for anticipatory bail. The petitioners in B.A.No.1236/07 are the Regional Manager and Junior Officer of a finance company from which the de facto complainant had availed a loan for purchase of an Opel Corsa car. The petitioner in B.A.No.1256/07 is the owner of the land where the car, after it was repossessed, was parked. The case of the petitioners in B.A.No.1236/07 is that consequent on the default committed by the de facto complainant the vehicle was repossessed and the de facto complainant has lodged a complaint before the Thrikkodithanam Police Station as Crime No.56/2007 alleging the commission of an offence punishable under section 394 IPC in respect of the vehicle. According to the petitioners, the vehicle was repossessed on 13.2.2007 and it was subsequently seized on 22.2.2007 by the police consequent on the registration of the aforesaid crime.

2. Learned Public Prosecutor submitted that eventhough the aforesaid crime has been registered in respect of the said vehicle, the petitioners are not accused in the case and, therefore, they will have to co-operate with the investigation for the purpose of interrogation.

3. Having regard to the nature of the facts and circumstances of the case, I am inclined to accept the petitioners' apprehension of arrest by

the police. Accordingly, a direction is issued to the Investigating Officer to release the petitioners on bail for a period of one month in the event of their arrest in connection with the aforesaid crime on each of the petitioners executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

a. Petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

b. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

c. Petitioners shall not commit any offence while on bail.

d. Petitioners shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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